

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MALIBU MEDIA LLC,

*Plaintiff,*

v.

JOHN DOE subscriber assigned IP address  
71.225.234.95,

*Defendant.*

CIVIL ACTION  
NO. 16-01568

**ORDER**

**AND NOW**, this 2nd day of May, 2016, upon consideration of Plaintiff Malibu Media LLC's ("Malibu Media") unopposed Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference (ECF No. 4), it is hereby **ORDERED**:

1. The motion is **GRANTED**;
2. Malibu Media may serve Comcast Cable with a Rule 45 subpoena commanding Comcast Cable to provide Malibu Media with the true name and address of the Defendant to whom the ISP assigned an IP address as set forth in Exhibit A to the complaint. Malibu Media shall attach to any such subpoena a copy of this Order;
3. If Comcast Cable qualifies as a "cable operator," as defined by 47 U.S.C. Section 522(5), which states:

The term "cable operator" means any person or group of persons

- (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or
- (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

then Comcast Cable shall comply with 47 U.S.C. Section 551(c)(2)(B), which states:

A cable operator may disclose such [personal identifying] information if the disclosure is . . . made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by person to whom the order is directed.

by sending a copy of this Order to the Defendant.

4. Malibu Media may only use the information disclosed in response to a Rule 45 subpoena served on Comcast Cable for the purpose of protecting and enforcing Malibu Media's rights as set forth in its complaint.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.